

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1:05-CR-58

Plaintiff,

v.

Hon. Richard Alan Enslen

LYNN N. EALY,

ORDER

Defendant.

Defendant Lynn N. Ealy has filed four post-judgment *pro se* motions. Two of the motions are captioned as Freedom of Information Act Requests, one for juror information and one for documents made to advance frivolous tax protester arguments previously rejected. (*See* Order of Feb. 6, 2006, Dkt. No. 65.) This Court, as a judicial body, is not subject to the Freedom of Information Act, 5 U.S.C. § 552. *See United States v. Casas*, 376 F.3d 20, 22 (1st Cir. 2004). The Court does maintain public records which are available upon request and payment of copying fees to the Clerk. It also routinely grants *pauper* requests for copying of papers necessary for appeal. However, the requested papers are unnecessary to advance non-frivolous arguments on appeal, and the request may be motivated by mischievous purposes (*e.g.*, harassment of jurors). As such, the request will be denied.

Defendant's motion for legal materials, phone services, unrestricted internet access, copy and mail services will also be denied. The requests are related solely to frivolous legal arguments advanced by Defendant. The requests unnecessary given that the Bureau of Prisons routinely provides criminal defendants with access to legal materials, mail services and copying services related to criminal appeals.

Defendant's final *pro se* motion requests release pending appeal. This request is governed by 18 U.S.C. § 3143 and Federal Rule of Criminal Procedure 46(c) and was previously denied at the time of sentencing. The circumstances have not changed and do not warrant release pending appeal.

THEREFORE, IT IS HEREBY ORDERED that Defendant Lynn N. Ealy's *pro se* Motions (Dkt. Nos. 67, 68, 69 & 70) are **DENIED**.

DATED in Kalamazoo, MI:
March 10, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE